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**FILED**  
**BOARD OF OPTOMETRISTS**

**FEB 10 2009**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF OPTOMETRISTS

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IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Administrative Action

HENRY PARKER, O.D.  
License No. 27OA00495800

FINAL ORDER OF  
DISCIPLINE

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

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This matter was opened to the New Jersey State Board of Optometrists upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Respondent is the holder of certification # 27TO00011400 which authorizes Respondent to prescribe topical pharmaceutical agents in New Jersey for treatment provided to his eye care patients. This certification does not include the prescribing of oral medications or controlled dangerous substances. Respondent's license and certification in New Jersey are active through April 30, 2009.

3. The Board issued a letter dated June 20, 2008 inviting Respondent to appear at an investigative inquiry of the Board to discuss information received by the Board which alleged that the Respondent prescribed a controlled dangerous substance, namely "vicoprofen" for J.P. his father, at various pharmacies in the Cherry Hill area on numerous occasions during the month of May 2008.

4. A letter was received from Kevin E. Raphael, Esquire advising the Board that he represented the respondent and tentatively confirmed the appearance on July 16, 2008.

5. The Respondent failed to appear at the July 16, 2008 investigative inquiry of the Board. A fax was received on July 16, 2008 indicating that Mr. Raphael was not representing Dr. Parker at the investigative inquiry.

6. An administrative subpoena was issued to the Respondent requesting that he appear for an investigative inquiry of the Board on September 17, 2008 at 10:30 a.m. to discuss the aforementioned allegations. The subpoena along with a cover letter was sent by certified mail and regular mail on July 21, 2008 to the address of record for the Respondent at 8595 Bustleton Avenue, Philadelphia, Pennsylvania and by certified and regular mail to his work address at Wal-Mart Vision Center 265 Route 73 North, West Berlin, New Jersey. A certified return receipt was received indicating that the correspondence was received on August 8, 2008 at the Wal-Mart location. The certified return receipt for the Philadelphia, PA address has not been returned by the post office to date and neither has the regular mail to either the Philadelphia or West Berlin, New Jersey addresses.

7. Dr. Parker failed to appear for the September 17, 2008

investigative inquiry.

#### CONCLUSIONS OF LAW

The above facts provide grounds for the revocation or suspension of his license to practice Optometry in New Jersey pursuant to N.J.S.A 45: 1-21(e) and N.J.A.C. 13: 45C-1.3(a) 3 and 5 in that respondent's conduct constitutes professional misconduct for his failure to timely cooperate with a Board investigation and failure to timely respond or report under oath to a complaint regarding licensee conduct.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") provisionally suspending respondent's license to practice Optometry in the State of New Jersey was entered on October 15, 2008 and a copy was served upon the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 20<sup>th</sup> business day following entry hereof unless the respondent requested a modification or dismissal of the stated Finding of Facts and Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The POD was issued by regular and certified mail to Henry Parker, O.D. at his mailing address located at 8595 Bustleton Avenue, Philadelphia, PA, 19152. The certified mail to the mailing address was returned unclaimed but the regular mail was not returned. The POD was also mailed to respondent's address of record by regular and certified mail c/o Wal-Mart Vision Center located at 265 Route 73 North, West


Berlin, New Jersey 08091. The certified mail to the address of record was received on October 20, 2008 by Sheri Keefer and the regular mail was not returned.

A review of the Board's records confirms that respondent to date has not responded to the POD requesting modification or dismissal. Nor has he complied with the investigation of the Board. Because the POD was served at the respondent's address of record and mailing address, the Board deems service to be accomplished. Therefore, the Board has determined to finalize the Order.

ACCORDINGLY, IT IS on this 10<sup>th</sup> day of February, 2009,  
ORDERED that:

1. Respondent's license to practice Optometry in the State of New Jersey is hereby actively suspended until such time as respondent has satisfactorily complied with the outstanding request to appear at an investigative inquiry before the Board of Optometrists to answer questions regarding his alleged pattern of prescribing and obtaining controlled dangerous substances in New Jersey.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By   
Leonard Steiner, O.D.  
President